

CERTIFIED TRUE COPY

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	)	STATE OF NEW JERSEY
	)	DEPARTMENT OF LAW & PUBLIC
	)	SAFETY
	)	STATE BOARD OF DENTISTRY
	)	DOCKET NO.
In the Matter of	)	
	)	
MONROE ELKIN, D.M.D.	)	Administrative Action
	)	
Licensed to Practice Dentistry	)	CONSENT ORDER
in the State of New Jersey	)	
	)	

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint on behalf of Hugh Montague concerning dental treatment performed by the respondent consisting, in pertinent part, of construction of a provisional splint for teeth #1 through #8. The Board reviewed the record before it in this matter including the patient charts, radiographs, insurance records, and additional information acquired at an investigative inquiry attended by the respondent

together with his counsel Richard Friedman, Esq., on March 22, 1995. It appears to the Board, based upon its review, that the provisional splint covering teeth #1 through #8 was grossly oversized, poorly contoured, had inadequate embrasure areas, and impingement of the provisional material on the marginal and inter-dental gingiva and the abutment teeth were poorly prepared resulting in inadequate retention. It appears to the Board, based upon its review, that said dental treatment constitutes violations of N.J.S.A. 45:1-21(c) and/or (d).

It also appears to the Board, based upon its review, that the respondent submitted an insurance claim form for reimbursement for crown and bridgework on teeth #1 through #8 prior to its completion and that respondent also signed the patient's name on the claim form without authorization. It further appears to the Board, based upon its review, that the respondent submitted a statement of the entire anticipated account to the patient setting forth payment due in connection with additional dental procedures on tooth #9 which in fact were not performed as well as the other procedures. It appears to the Board, based upon its review, said conduct constitutes violations of N.J.S.A. 45:1-21(b).

The respondent appeared before the Board, but based upon the authorized procedures for the investigative inquiry, the respondent did not have the opportunity to present dental witnesses who could testify as to the propriety of the treatment

plan or cross-examine Hugh Montague and the respondent has subsequently waived his right to a plenary hearing administrative hearing before the Board or in the Office of Administrative Law.

It appearing that the respondent desires to resolve this matter without recourse to formal proceedings, there being no admissions by the respondent and no finding of facts which are binding on the respondent, and for good cause shown;

IT IS ON THIS 26<sup>th</sup> DAY OF <sup>July</sup> AUGUST, 1995

HEREBY ORDERED AND AGREED THAT:

1. Respondent shall not seek to collect any and all of the balance of payment due on the account of patient Hugh Montague but may assert the defense of set-off on any action brought by Hugh Montague.

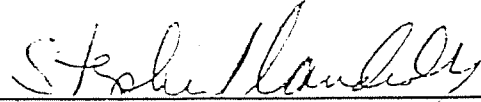
2. Respondent is hereby assessed a civil penalty in the amount of \$2,500 for: signing the patient's name on an insurance claim form without authorization, certifying on an insurance claim form that certain dental procedures had been completed when in fact they had not, and submitting a statement of account to the patient for payment due for dental procedures which in fact were not yet performed, in satisfaction of any claims in violation of N.J.S.A. 45:1-21(b). The civil penalty shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Dentistry no later than September 15, 1995.

3. Respondent is hereby assessed the costs to the State of the investigation of this matter in the amount of \$2,496.42. Said costs shall be paid by certified check or money order made payable to the State of New Jersey and submitted to the State Board of Dentistry no later than September 15, 1995.

4. Respondent shall successfully complete seven (7) hours of continuing education in diagnosis and treatment planning and twenty-eight (28) hours of continuing education in basic crown and bridge work. These courses shall be approved by the Board in writing prior to attendance utilizing the attached Pre-Approval Sheet, and the courses must be completed no later than March 31, 1996, provided that said courses are reasonably available to the respondent. Respondent shall be required to complete the attached Continuing Education Report and Proof of Attendance as proof of successful completion of the required course work. The attached forms are made a part of the within Order, and a separate form is to be used for each course. Said continuing education ordered herein shall be in addition to, and not a part of, the mandatory continuing education currently required for biennial renewal of registration for dentists.

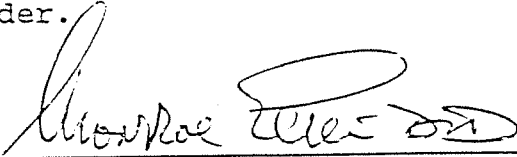
5. Respondent shall cease and desist from any and all submission of insurance claims on behalf of patients or statements of account to patients in any manner whatsoever which:

(1) do not reflect accurately the treatment dates when the service or procedure was actually completed, (2) sign the patient's name without authorization, and (3) charge for dental procedures which were not in fact performed.

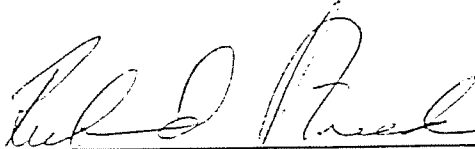


STEPHEN CANDIO, D.D.S.  
PRESIDENT  
STATE BOARD OF DENTISTRY

I have read and understand the within Order and agree to be bound by its terms. Consent is hereby given to the Board to the form and entry of this Order.



MONROE ELKIN, D.M.D



RICHARD L. FRIEDMAN, ESQ.  
Counsel for Respondent